REMARKS/ARGUMENTS

Claim Rejections Under 35 U.S.C. §112

The Examiner rejected claims 14, 16, and 18 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 14 and 16 have been canceled. However, claim 18 is not mentioned in the rejection, and the undersigned does not see how claim 18 falls within the same rejection as claims 14 and 16.

Claim Rejections Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1, 12, 17, and 19 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,736,642 to Bajer et al ("Bajer") in view of U.S. Patent No. 5,722,418 to Bro ("Bro").

The Examiner rejected claims 2, 4-7, 9-11, 13-16, 18, and 20 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,736,642 to Bajer et al ("Bajer") in view of U.S. Patent No. 5,722,418 to Bro ("Bro") and further in view of U.S. Patent No. 6,077,085 to Parry ("Parry")

General Arguments

These general arguments will serve as further elaboration and explanation to the specific responses to the Claim Rejections attributed to 35 USC § 103 and the prior art made of record cited in the Conclusion of the Office action. They serve to facilitate the response and minimize the redundancies of the arguments so we can focus more on the specific application to the Claim

Rejections and the prior art. The intention is to refute the obviousness rejections set forth in the Office action by showing that the prior art does not have the critical subject matter that would allow a person of ordinary skill in the art to make an obvious connection to the subject matter of our claims.

We will summarize the arguments and then elaborate on each.

In summary, we will reference four broad arguments in our response. They are:

- Allegoric – The claim rejection or the prior art does not pertain to allegories.
- Scientific/Statistical – The claim rejection or the prior art does not pertain to an unscientific or non-statistical approach.
- Questions – The claim rejection or the prior art does not pertain to the questioning method in the claims. Within this argument there are six sub-arguments that we will reference:
  a. Boundless – The claim rejection or the prior art does not pertain to the unlimited access to words in order to form a question.
  b. Expressive – The claim rejection or the prior art does not pertain to the intuiting of the emotional aspect of a question.
  c. Commentative – The claim rejection or the prior art does not pertain to the allowance for comments.
  d. Immediate – The claim rejection or the prior art does not pertain to the allowance for real-time feedback.
  e. Synergistic – The claim rejection or the prior art does not pertain to the interrelationship of questions, answers and comments in dialogue.
  f. Arbitrary – The claim rejection or the prior art does not pertain to the allowance for non-right answers.
- Conceptual – The claim rejection or the prior art does not pertain to the pragmatic understanding of a subject matter.

We will elaborate on each general argument.

Allegoric

This general argument focuses on the definition of an allegory as the invention defines it. Its contention is that the claim rejections and prior art to which we reference this argument do not concern themselves with allegories. As we will show, none of the prior art concerns themselves with allegories.

To outline this argument, we will elaborate on the definitions of three words cited in Section III of the application: symbol (page 11, lines 18-20), archetype (page 10, lines 1-3) and allegory (page 9, lines 25-29). While doing so, it's important to consider them within two broad themes about allegoric applications. First, while an allegory could be a story, song, movie diagram, poem, image, picture or the like (page 9, line 25), not all these things are automatically allegories. In other words, an allegory could be a story but not all stories are allegories. Second, allegories can be used accidentally without the knowledge of the inventor and leave their potential untapped; the invention intentionally applies allegories in a way that taps their potential.

We will begin our argument with the definition of symbol, since that word, or its derivation, appears five times in our definition of an allegory (page 9, lines 25-29). From here, we will move onto archetypes and allegories.

Our elaboration of symbol has two parts: meaning and application. When we use the term symbol as defined in this art, it differs from a representation. Whereas a symbol relates to something's implicit meaning, a representation relates to its obvious, immediate, and direct meaning. In most cases, symbols' implicit meanings have an intuitive connection that is not always known, understood or defined (page 10, lines 20-21; page 11, lines 18-20). This means symbols can influence people without their conscious knowledge.

As an example of the distinction we make between symbols and representations, consider these two simple symbols: "+" (plus sign) and "-" (minus sign). In a presentation, we could use either to represent a specific person. In this case, both symbols represent the same thing: a specific individual. However, what each symbol conveys on an intuitive level is totally different. Whereas, the plus sign conveys positive emotions, the minus sign conveys negative ones. As a further example, consider the difference in the feelings of an employee if his boss used the plus sign to represent him versus the minus sign. In the first the employee is likely to feel good while in the latter disappointment. This occurs because there is an emotional aspect to each symbol impacting us on an intuitive level beyond their representative aspects. If this were not the case, then it wouldn't matter which symbol was used to represent the employee.

Connecting this discussion of symbols with the art, we can use FIGURES 9-16 described on page 27, line 8 through page 34, line 16 as an example. In these figures the blue circle represents one person while the red square another. While representations serve the overt function of distinguishing between the two people, they also serve to symbolize them on an intuitive level. This distinction will tend to encourage people to have a greater affinity for the blue circle than the red square. Consider the common expression, "Don't be a square," as a negative manifestation of the symbolism associated with the red square.

As another example from the invention, consider FIGURE 36 (Page 62: lines 14-25) in which the left object represents a man and the right a woman. However, without this explanation no one would be able to determine this because neither one *looks* like a man or a woman. Here again, we see a difference between what something is and what it symbolizes. In this case, these objects symbolize the cognitive and intuitive differences between men and women. Since people are more likely to adopt a practice for which they have a positive affinity, the intentional use of the right symbols at the right time in the right situation can have tremendous training value beyond their more obvious, immediate and direct representation.

The concept of a symbol not only has an academic basis but also a pragmatic one. In this laymen's guide, *Man and His Symbols*, Carl Jung and his associates set forth to show the emotional connectivity symbols have beyond their overt representations. Pragmatically, we observe everyday symbols at work in advertising. As an example, celebrities often represent products and services; however, the emotional connections the advertisers wish to make with consumers will determine which celebrity they select. A famous football player is more likely to be chosen to represent a heavy-duty truck than a famous ballerina. This is why a sudden event can shatter the symbolism associated with a celebrity and change the advertiser's selection. For instance, a celebrity who is convicted of fraud is likely to lose his contract as a representative of a bank's products and services in which security and integrity are important.

Let's now consider the application of symbols to people. As explained on page 3, lines 6-10, the impact symbols have on an intuitive level can vary by person. Moreover, context can alter their impact. While a businessman in a well-tailored suit can symbolize power in a business setting, he can symbolize detachment or unawareness if he wears the same suit while playing rugby. Page 15, lines 6-29 and page 16, lines 1-6 of the art provide further elaboration in the form of twenty assumptions on personal and contextual factors impacting symbols' influence.

Many of the prior art cited in the Office action deal with representations, virtual worlds, simulations and creating realism. The whole purpose is to create something that looks and feel as real to the user's everyday life as possible. Why then would someone use allegories which often don't look and feel anything like a user's daily life? The answer is, "because many aspects of our daily lives do not have tangible forms." For instance, how do you picture morale, sadness, happiness? Yes, they may appear as expressions on a character's face, but since each person is unique that expression can be different especially if you include body language, voice tone and general appearance. Thus, symbols allow us to picture intangible things such as the relationship between cognition and intuition in men and women as our FIGURE 36 (Page 62: lines 14-25)

does. In our above example using the plus and minus signs, they symbolize the positive and negative tendencies of the person to which we associate the respective symbols.

After this elaboration of the invention's meaning of symbol, it's easy to view the variability of a symbol's meaning as being random. In other words, if a symbol can vary so much from person to person, how can it have any predictive quality when applying it to people in a training environment? It can because of the existence of archetypes (page 10, lines 1-3). Archetypes are original images to which all humans connect. Symbols become the manifestation of these images. This explains how two unrelated cultures can derive similar symbols with similar meanings. Archetypes permit symbols to have a predictive quality not only across cultures but across personalities. Symbols become "a variation on a theme" with that theme being an archetype.

Relating symbols to allegories, symbols are the atoms of the allegoric molecule. Symbols comprise an allegory and can take the forms stated in this art's definition of allegory (page 9, lines 25-29). An allegory becomes the telling of a story through the use of symbols. The proper use of symbols allow us to tap their intuitive power to influence people on a deeper more permanent level outside of more overt behavioral or cognitive influences. In other words, using symbols we can create an allegory about people without ever using a person in the allegory. However, if our attempt is to depict something realistic to use in a simulation, allegories would not serve our purposes.

Scientific/Statistical

The application contains art that is unscientific (page 3, lines 6-19) and non-statistical (page 65, lines 3-4). Thus, the Scientific/Statistical argument counters the claim rejections and prior art by showing that they are based on scientific or statistical methods and assumptions. It focuses on the

logical (page 10, lines 25-26) and cognitive (Page 10, 7-8) emphasis of these methods and assumptions. A primary conclusion of this argument is that any computerized process or approach is scientific or statistical because it uses algorithms or numeric codes to manufacture its output from user input. This is why we use the phrase "digital format" to refer to anything used by a computer. All input needs to be translated into a digital format in order for a computer to process it. As an example, a question keyed in by a learner is an input that becomes encoded in a digital form using zeroes and ones (binary system). Once encoded, using various algorithms in the software (lines of programming code), output is produced to form an answer. Finally, this output is translated from its digital format into a user format such as text, numbers, audio, video and pictures.

As a result, the Scientific/Statistical argument has two main themes: first, there is the nature of the input, and second, the impractical aspects of algorithms.

The first theme considers all aspects of what is meant by input. For example, a learner can ask an instructor a question and type in the same question to a computer. On the surface, from the perspective of the question itself, it appears that the events are the same; however, upon deeper analysis they are quite different. An instructor will consider contextual aspects of the question such as the simpler ones of voice tone and facial expression. These can help the instructor gauge the difficulty the learner is having with the topic and answer accordingly. On the other hand, the computer may not have the hardware to determine such factors, and the software may not incorporate them.

Let's now consider a more complex set of contextual aspects such as extraneous comments and expressions. For instance, suppose a learner makes an impromptu comment that he thinks is relatively unimportant. The instructor can decide whether to incorporate it into the training, but unless the learner inputs it into the computer, it won't factor into the algorithm. Furthermore, grimaces or sighs during discussion are examples of impromptu expressions that can come into

play if the instructor so decides they are pertinent. Thus, scientific/statistical processes, especially as exemplified by computers, have retarded avenues for input because they tend to screen out or modify what is not provable, quantifiable or processable. Computers can only process what is capable of being translated into the logic of programming code. That means some events won't be processed or only certain aspects of events will be; this brings us to our second theme.

The second theme applies to the input that is received and converted into output. The nature of any process is to process only what it is capable of processing and to generate output that is in accordance to the output intended by it. For instance, a process intended to prove something won't accept something that cannot be proven; an engine designed to burn gasoline won't process water. Likewise, that engine will not turn gasoline into limestone only burnt gasoline. Moreover, the provable process will tend to yield proven outcomes (i.e. "Yes, it's true," or "No, it's false."). A computerized process is a mathematical, statistical process. A series of these steps becomes an algorithm.

With a computerized process, an algorithm is a mathematical, statistical process by which all input are converted to digital formats using zeroes and ones (binary system). Once in such a format, they are run through algorithms to produce an output. This output is then translated into a form the user understands.

For example, when an input device such as a "digital" camera takes in the color red, it converts it to a number. Extending this example, an algorithm that changes reds to blues changes the number attributed to red into the one for blue. When an output device such as a monitor reads this number it will produce blue instead of red for the user to see.

When we expand this discussion to accommodate the entire visible spectrum, we must ask, "How many colors are there?" This is important because we must attribute a number to each color. Since the answer is unlimited, the input device along with the software must be set to

match the incoming color against its current set of possibilities because they can't accommodate an infinite number. Thus, the colors a computer produces do not reflect reality. Of course, the human eye may not be able to discern this.

Using the same example we can add further complexity by asking, "How much detail do we want?" With digital images we refer to this as resolution – the number of pixels per square inch (psi). In reality, there is infinite detail, but since the computerized process can't accommodate this, the process must define the extent of detail it will accept. This is why picture and sound files produced by input devices are "compressed," sent through algorithms, to eliminate detail that might not be necessary. In fact, as much as 85% of the input file can be eliminated. Of course, what is "necessary" is subjective and contextual. For instance, something as simple as finding the regression of a collection of points can have many answers depending upon what the user is seeking and what the situation demands (i.e. linear, binomial, logarithmic regressions). Often these selections aren't always clear.

With these two themes in place, we can refine the Scientific/Statistical argument as one in which an attempt is made to define aspects of a gradient and to define the limit of detail. Since no two events in life are exactly alike, a formulaic approach – in which the events' realities are translated into a finite, pre-defined set of attributes and then further limited by a pre-defined level of detail – will ignore unique aspects of realities so the process can accept and manipulate the input. No matter how these two aspects are defined, the fact we define them opens the possibility that there are limits to the reality a computerized process produces. We often hear this as a "virtual reality" to distinguish from "reality."

As an example, let's consider software that can alter the personalities of the characters in it. Simply, changing behavior and conversation is not enough. Personality affects all aspects of our lives. It affects how we walk and run, how we dress, what we own, the nature of our personal surroundings, the words we use, the actions we take, our occupations and many other things. For

example, if we change the personality of a king in a story, we must address changes such as his advisors, room, attire, grooming and belongings. Moreover, we must also address the central question: Would he be a king?

All of these nuances to personality have limits with computers just as they have limits as to how well they can predict weather patterns. Someone of ordinary skill with personalities would not be able to infer the invention from computerized art because the latter does not contain what is necessary to be able to do the former.

The art in this application does not use algorithms or a pre-defined set of attributes or level of detail. The instructor determines in real-time what attributes and detail to accept.

Questions

Our application contains art that utilizes the full-potential of questions and comments in its process in interacting with the learners. The claim rejections and prior art limit this potential. In order to illustrate this, we will expand the purpose of questions beyond the mere retrieval of a correct answer to evaluate levels of understanding.

There are sub-arguments within this argument that will help us connect it to the individual rejections and prior art. In essence, there are two major themes that run through this argument and its subordinates: first, asking and answering questions are more than about retrieving a correct answer, and second, extraneous comments, expressions and visuals play a critical role in the selection of allegories. We will explore these themes and then apply them to the sub-arguments.

Asking and answering questions, and taking in extraneous comments, expressions and visuals are more than about correct answers and feedback. They are a means to influence outcomes through engagement. The more engaged someone is in a process or discussion, the more influence that process or discussion has on that person. In other words, participation can be more important than the correctness of that participation. People are more influenced, motivated, and inspired by things they like than things they understand (page 15, lines 14-15). Just because people can answer a question correctly does not mean they agree with it or are motivated by it. For example, expert speakers know that presentations incorporating extensive question and answer sessions will tend to be more influential than straight lecture formats with limited question and answer time. In politics, this is why politicians will often employ a "town hall" format rather than a "lecture" one. When done well, the first is far more influential than the latter.

When we apply the two themes of correct and extraneous input and output to the rejections and prior art, we can express the specific application of the Question argument in the form of six sub-arguments that we've already outlined above. Here, we will take a moment to detail their arguments.

a. Boundless

This sub-argument applies when there are parameters placed on questions. Algorithms by nature, as stated in the Scientific/Statistical argument, place limits on the nature of the question which increase the likelihood of an incorrect digital translation of it. Other restrictions can include the existence of drop-down menus that only permit certain questions or the establishment of character limitations in free-form fields. In both of these cases they restrict the original form of the question.

b. Expressive

This sub-argument applies to questioning processes that do not incorporate verbal and visual feedback associated with the question. For example, software may only accommodate the text formats of questions. Extraneous verbal and visual queues associated with the question are important indicators for an instructor. They also help the learner when used by instructors in their questions.

c. Commentative

Even though the Question argument focuses on questions, it applies to comments as well since the art in the application incorporates comments about the allegories and subject matter. Therefore, the Commentative sub-argument allows us to apply all the other sub-arguments to comments as well as questions. When we look at the rejections and prior art in detail, this sub-argument will tend to apply when the role of comments in the learning process are overlooked or not addressed. For example, if a rejection or prior art does not incorporate the role of comments in the learning process, we will apply this argument to show a difference with this art.

d. Immediate

This sub-argument comes into play when the connection between what is being learned and the question does not occur in real-time. Answers or feedback are postponed to a time later than when the question is posed. The most frequent occurrences are testing (questions are asked after the learning experience has taken place or answers to the questions are reviewed after all questions are asked and answered) and post-training assessments in which instructors review with learners what occurred in the training session.

e. Synergistic

In a general sense, this sub-argument refers to dialogue, the interrelationship among questions, answers and comments during a learning experience. Dialogue helps the learner and instructor while promoting acceptance and incorporation of the training in practice. For instance, in a training environment there are questions about questions and comments. Consequently, there can be exploration into why a particular question is important including why a particular answer or action may be more preferable than another. This allows the training to take unexpected turns that can help with acceptance and incorporation.

f. Arbitrary

This sub-argument refers to a rejection's or prior art's focus on a correct answer or behavior in response to a question. Questions serve many purposes other than the exploration of what is right and wrong. They facilitate understanding for both the learning and instructor. For the example, the learning can understand *why* something is wrong, and the instructor can learn what might be a good direction for the learning to take to encourage the learner to accept and incorporate the material and behaviors. It is one thing to know what is right or wrong and quite another to understand why that is so. Furthermore, the exploration of "wrong" answers serves an influential purpose.

The invention permits a wide range of purposes and flexibility that is non-existent in the prior arts.

Conceptual

The allegories in the invention help to create a holistic understanding of inter-personal relationships on an intuitive level. That means altering understanding on an emotional level that goes beyond mere recitation of a correct answer or behavior; an intuitive understanding is more

effective than a formulaic one. This is true because no two events are the same and there are multiple aspects to any single event that necessitates the application of multiple concepts.

For example, consider the golf swing. A learner can perfect the idealized golf swing but while he may enjoy better success, he won't necessarily become good at golf. The reasons for this are extensive but let's run through three. First, the actual ground (i.e. grass length, sand, slopes) the ball rests upon will vary. Second, the obstacles in front of the ball (i.e. trees, bushes, sand traps) will also vary. Third, the distance from the hole will not only alter the club chosen but how hard to swing. All three of these alone involve other concepts that can necessitate a variation from the ideal swing which if not done can produce an inferior outcome. Another example involves the swing of a baseball bat. Again, a learner can perfect the idealized swing, but that won't necessarily mean he will do well at hitting. In fact, he's likely to strikeout quite a bit because the ball comes across the plate in various ways that necessitate variations on the ideal.

Learning more intangible actions has a similar theme. Puzzles or brain teasers are good examples. Once a learner knows the solution, solving them is usually easy. Consequently, there is a difference between a learner who solved a puzzle without prior experience with it and another who learned the solution before solving it. Both are learning experiences, and both solved the puzzle; but, both experiences are different. Likewise, there is a difference between a learner who arrives at a solution on his own and another who regurgitates what he was told by an instructor. The former is more likely to solve a future, unfamiliar puzzle than the latter one. In pragmatic terms such intuitive understanding of a concept is important because modifications on a theme will always occur in reality. The mechanical application of a process – without incorporation of unique attributes – will tend to produce inferior outcomes.

These themes (golf and baseball swings, and puzzles) extend to learning more complex information, concepts and behaviors associated with interpersonal interactions. For instance, if action X is required when A, B and C occur, then all a learner has to do is apply X when he

observes A, B and C. However, if every event is unique, that means it has a unique aspect, "Δ" that the learner will need to consider. That means in addition to A, B, and C existing as characteristics of an event a unique one, Δ, will exist too that will vary from event to event even though A, B and C might remain constant. Consequently, if the learner does not work Δ into his actions, he will meet with only limited success. In reality, we observe such processes by describing them as "clunky" or "mechanical."

In terms of addressing the rejections and prior art, two questions will help discern when conceptual learning is taking place:

- Is specific behavior or information being learned with the exploration of the concepts behind them?
- Is the concept being taught in a way that facilitates its real-world application or is it merely in a form that permits easy regurgitation of it for verification purposes (i.e. testing).

The invention does not employ methods that promote the regurgitation of information or the rehearsal of a specific task. This differs the invention from many of the prior art.

With regard to claim 1, and the limitations providing at least two allegories designed to make a point about interpersonal relationships.

> Per the Allegoric argument, Bajer does not use allegories. The mere fact something may appear in the form of audio, video or other formats is irrelevant. The question remains, "Are they allegories?" This question is similar to inquiring whether a book is "fiction" or "non-fiction." As stated in the Bajer's Abstract the ". . . plurality of stimuli are presented to a user in the context of a simulation." This is repeated in the Summary (Col. 2: 41-42). Simulations seek to represent real-life situations as directly and as overtly as possible. This contradicts the definition of symbol in the invention (Page 11, 18-20) as "a thing that implies something

more than its obvious, immediate, and direct meaning." Thus, a simulation is not an allegory as elaborated in the Allegoric argument.

Per the rejection concerning assumptions, Bajer does not focus upon the assumptions about people but rather "assumptions that form a basis of the responses" (Col 2: 44-45). This is further reinforced in the description about Awareness, ". . . makes the learner cognizant of their behavior in this case the practice of making assumptions." (Col 10: 16-17). Furthermore, the assumptions are limited to the learner's behavior (Col 10: 18-20). The assumptions do not apply to help the learner understand the assumptions of others. Furthermore, Bajer's focus is on behavior. Behavior is only one small aspect of developing better interpersonal relationships. Wording and expression are samples of other aspects. Additionally, assumptions are only one small aspect of interpersonal relationships. Learning how to influence those assumptions is an example of another aspect, and how to teach others is another.

Per the rejection concerning the presentation of three scenarios, Bajer is confined to three sequential steps. The invention can provide ". . . at least two allegories" (Page 58, 5) so this means the instructor is not limited to three but could have ten, fifty or a hundred. Furthermore, the sequence of the allegories can alter depending on the instructor's need; whereas with Bajer, Awareness always precedes Validation which in turn always precedes Action. The invention is not confined to three steps or to a specific sequence in which the allegories must be presented.

With regard to the limitations of asking a series of questions to an associated audience, receiving answers to the questions, and choosing a first allegory based upon the answers to the series of questions.

Per Bajer and the choosing of a training session to open, the invention is focused on the choosing of allegories not the training (Page 58, 5-6). Furthermore, Bajer makes no suggestion that the *type* of training is selected but rather the goals and expectations of the training are (Col 10: 8). This implies that the nature of the training remains the same but that there are different levels against which goals and expectations can be set. In the invention, the allegories will serve to promote the training session at hand. Allegories are not training sessions. This is why there is the selection of at least two allegories (Page 58, 5-6). The invention is about improving the likelihood of achieving the training objective using allegories. An instructor doesn't need allegories to do training, but they do improve outcomes.

Furthermore, per the Scientific/Statistical argument, the action of choosing in Bajer is done by the learner with the assistance of an algorithm called the virtual coach (Col 10: 6-9). As mentioned in that argument, this presents a whole host of limitations. The invention does not provide the instructor algorithmic help in his allegoric choices, thus increasing the instructor's range of options. Bajer uses a statistical method for training.

Per Bro and a method for mediating social and behavioral processes, which includes an embodiment in which a user is asked a series of questions in order to determine the level and content of material presented to the user, the questions in that prior art are to facilitate information exchange (Col 1: 15-22) which is the technical field of the art. Furthermore, the goal of such exchange is to provide a computerized telecommunication system that conveys health awareness and goal management messages which maintain surveillance over patients, clients or employees by periodically sending behavioral motivation reinforcement messages and/or questions that require a patient's or employee's interaction. (Col 1: 17:22).

These aspects create a major difference in the questioning process between the invention and Bro: Bro's questions are primarily in the form of a polling format (Col 15: 14-16 and Col 36:

53-44). Referencing the Question argument we find that questions can serve a greater purpose than determining the "proficiency of the user" to facilitate a starting point. They can also serve an influential purpose as stated in the Question argument that is lacking in Bro.

Thus, as outlined above the Bro method is aimed at facilitating "information exchange" through a "computerized telecommunications system." Its questioning method does not provide for immediacy and the synergy that can develop from dialog. In fact, Bro seems to promote this lack of immediacy as a virtue (Col 38: 37-39). Consequently, it suffers from restricting the expressiveness and spontaneity that can be gathered during real-time. For instance, even though Bro provides for audio responses from the patient, the health care provider never sees or hears the patient's initial reaction to the question. Moreover, there seems to be no mention on how Bro's method will facilitate user initiated questions and comments to the health care provider outside of indicating that an emergency is at hand through a "hot-line" (Col 38: 35-42). In the invention, it's quite likely that the starting point is chosen by such initiative from the learner in response to the initial questions in real-time. These can take the form of not only answers but questions and comments too as outlined in the Question argument.

With regard to the limitation of relating the first allegory to the audience, continuing to ask questions during the relating of the first allegory.

Bajer does not present allegories but rather "a series of 'What happens next' scenarios (Col. 11: 18-20) based upon simulations (Col. 2: 41-42). As explained in the Allegoric argument, simulations are not allegories. Furthermore, "What happens next" scenarios are asking the user to predict a future outcome from a representative real-life event.

The use of video with multiple segments does not demonstrate the use of allegories as stated in the Allegoric argument.

The user's responses are limited to a text entry and/or choice of presented options (Col. 11: 1-2). As stated in the Question argument and related to Bajer, the response formats are far more limited than the invention. First, the options are prompted after viewing a video and are limited to those given (Col. 11: 34-40). Second, the text entries are limited to assumptions typed by the user (Col. 12: 41-44) and feedback is limited to regurgitation of those assumptions by the algorithm in various forms (Col. 12: 49-54). The assumptive text is not worked into any other kind of feedback. For example, there is no immediate feedback on why the user may have that assumption.

In conclusion, Bajer's questioning process as explained in the Question argument is not as boundless as the invention because it's free-form responses are limited to assumptions and a drop-down menu of options for "What happens next" simulations. Its text responses are further limited by no immediate feedback except as the regurgitation of those responses in various sentence structures. Bajer's questioning does not allow for verbal and visual expressive inputs, does not allow for user initiated free-from responses, does not allow for immediate feedback except in the choice of scenarios, and does not allow for a synergistic interaction between user and trainer.

With regard to allowing comments and question from the audience during relating of the first allegory.

Bajer does not present allegories but rather "a series of 'What happens next' scenarios (Col. 11: 18-20) based upon simulations (Col. 2: 41-42). As explained in the Allegoric argument, simulations are not allegories. Furthermore, "What happens next" scenarios are asking the user to select a future outcome from a representative real-life event.

The assumptions are limited to text entries keyed in by the user (Col. 12: 41-44) and feedback is limited to regurgitation of those assumptions by the algorithm in various forms (Col. 12: 49-54). The assumptive text is not worked into any other kind of feedback. As per the Question argument and stated in response to the preceding rejection, the invention provides for a more versatile, flexible question-answer-comment process. Furthermore, the assumptions play no role in determining the next "What happens next" scenario but rather the user does (Col. 11: 36-39 and Col. 12: 35-39). In the invention, feedback helps determine the next steps and allegories in the process.

The feedback by a virtual coach is limited to the responses chosen by the user from a further limited menu. The virtual coach is an algorithm and per the Scientific/Statistical argument suffers the limitations of an algorithm. The invention as stated in the Question argument and elaborated upon in the preceding rejection provides for a more versatile, flexible question-answer-comment process.

With regard to the limitation of choosing a second allegory based upon the answers to the series of questions and the comments from the audience.

Bajer does not present allegories but rather "a series of 'What happens next' scenarios (Col. 11: 18-20) based upon simulations (Col. 2: 41-42). As explained in the Allegoric argument, simulations are not allegories. Furthermore, "What happens next" scenarios are asking the user to select a future outcome from a representative real-life event.

The invention does not limit questions, answers or comments to validations. Furthermore, the validations in Bajer are only recorded (Col. 15: 50-55) so there is no immediate feedback and they have no bearing on the selection of the "What happen next" scenario (Col. 16: 18-21). In the invention, the questions, answers or comments can determine the selection of the next allegory. In Bajer, the user selects the next event from a menu (Col. 11: 36-39; Col. 12: 35-

36; Col. 14: 55-61). Bajer is also focused on the selection of correct assumptions as the process encourages the learner to avoid making false assumptions (Col 12: 36-39). As stated in the Question argument under the arbitrary sub-argument, the invention incorporates questions, answers and comments that exist outside a right-wrong duality.

With regard to the limitation of interrelating the allegories based upon the answers, the questions and the comments.

Bajer does not present allegories but rather "a series of 'What happens next' scenarios (Col. 11: 18-20) based upon simulations (Col. 2: 41-42). As explained in the Allegoric argument, simulations are not allegories. Furthermore, "What happens next" scenarios are asking the user to select a future outcome from a representative real-life event.

In the invention, the selection of one allegory is not dependent upon another because other factors such as the questions, answers and comments and the training objectives of the instructor come into play. Moreover, the actual order of allegories is not set. For example, the first allegory in one training session could be the seventh in another and there will be a need to interrelate all allegories into meeting the overall training objective. In Bajer, the connection between the Awareness and Validation sessions is sequential, meaning that Validation will never precede Awareness – a difference from the invention. In Bajer, a user cannot perform a validation until he has made an assumption. Furthermore, there are only three sections, Awareness, Validation and Action (Col 10: 9-12). In the invention, the number of allegories is only limited by the number in the database which will exceed three.

Furthermore, Bajer's "What next" scenarios do not move along as a result of questions, answers and comments but by the user selecting an appropriate response to a prompt to continue the simulation (Col. 11: 36-39 and Col. 12: 35-36). In the invention, the instructor

can incorporate all feedback to select the next allegory; there are no system constraints in this regard.

With regard to utilizing the allegories and their interrelation to progress from one idea to a final conclusion.

Bajer does not present allegories but rather "a series of 'What happens next' scenarios (Col. 11: 18-20) based upon simulations (Col. 2: 41-42). As explained in the Allegoric argument, simulations are not allegories. Furthermore, "What happens next" scenarios are asking the user to select a future outcome from a representative real-life event.

Bajer is limited to assumptions about users' selections, their validation and alternative behaviors as a consequence of these two steps. The invention establishes assumptions about the allegories. The relationship among Bajer's steps is sequential not interrelated. Actions cannot come before Assumptions or Validations (Col 10: 9-12). In the invention, the initial idea and the final idea will vary depending upon the instructor's assessment of the questions, answers and comments from the audience. In Bajer, the invention progresses as a result of the user making "What next" selections in a simulation (Col. 11: 36-39 and Col. 12: 35-36). Furthermore, the make up of the next steps are independent of any assumptions and validations the user makes; they are only conditional upon the next steps the user selects. The assumptions and validations are not incorporated into any algorithm of the invention to modify the user's choices of scenarios within a session (Col. 11: 20-22; Col. 11: 34-39; Col. 11: 64-65, Col. 12: 35-39, Col. 12: 49-54).

Claims 2, 4-7, 9-11

With regard to claims 2 and 7, the limitation of providing a collection of allegories, each having a message relating to the interpersonal relationships, and providing assumptions.

Per the Allegoric argument, Bajer does not use allegories. The mere fact something may appear in the form of audio, video or other formats is irrelevant. The question remains, "Are they allegories?" This question is similar to inquiring whether a book is "fiction" or "non-fiction." As stated in the Bajer's Abstract the ". . . plurality of stimuli are presented to a user in the context of a simulation." This is repeated in the Summary (Col. 2: 41-42). Simulations seek to represent real-life situations as directly and as overtly as possible; the scenarios in Bajer seek to perpetuate the simulation. This contradicts the definition of symbol in the invention (Page 11, 18-20) as "a thing that implies something more than its obvious, immediate, and direct meaning." Thus, a simulation is not an allegory as elaborated in the Allegoric argument.

Furthermore, the assumptions in Bajer are the *user's* assumptions about people (Col. 2:10-11 and Col 10: 62-65). They are not the general assumptions provided by an instructor in the invention. Continuing, the assumptions in the invention do not refer to assumptions about people but rather provide context for the allegory so that it can be related to the training objectives, the audience and the questions, answers and comments. As explained in the Allegoric argument, allegories do not have an obvious, immediate and direct meaning. Consequently, it becomes important to provide context so people can see that connection. In the invention, those are called assumptions. By changing the assumptions, you can change what the allegories represent while keeping their symbolism.

In the invention, the selection of one allegory is not dependent upon another because other factors such as the questions, answers and comments and the training objectives of the instructor come into play. Moreover, the actual order of allegories is not set. For example, the first allegory in one training session could be the seventh in another and there will be a need to interrelate all allegories into meeting the overall training objective. In Bajer, the connection between the Awareness and Validation sessions is sequential, meaning that

Validation will never precede Awareness – a difference from the invention. In Bajer, a user cannot perform a validation until he has made an assumption. Furthermore, there are only three sections, Awareness, Validation and Action (Col 10: 9-12). In the invention, the number of allegories is only limited by the number in the database which will exceed three.

Per the outcomes of these steps, the user is interacting with algorithms which have all the limitations expressed by the Scientific/Statistical and Question arguments. Specific to Bajer, three major differences arise from the invention.

First, the audience is interacting with an instructor which is stated in our claim.

Second, the invention "utilizes an unscientific method in which a database of allegories aid people in better evaluating, better understanding, better appreciating, and better employing their interpersonal relationships" (Page 3: lines 14-17). It's not simply about behavioral change as expressed in the Conceptual argument. As an example where the invention would differ, participants would not only learn to recognize the assumptions they use but those of other people. More importantly, participants would learn how to navigate within another person's assumptions to bring about better relationships. Bajer does not concern itself with training the user to identify the assumptions the virtual characters are using. If it's true, as the invention claims, that it's natural for people to use assumptions, can't we assume that in a true simulation we should expect to find the characters using assumptions?

Third, the invention goes beyond the identification of whether a set of assumptions is appropriate or not because interpersonal relationships are more than just the assumptions people use and whether they are correct. The theme of this point is expressed by the Arbitrary sub-argument in the Question argument.

With regard to the limitation of relating assumptions to the associated audience to the associated audience, the amount of time spent discussing the assumptions dependent upon the answers to the series of questions.

In the invention, the discussion does not center upon assumptions except to establish a context in helping to select the first allegory. This differs from the assumptions people use which Bajer incorporates (Col. 3: 52-54). Beyond this point the discussion centers upon the allegories and their related message (Claim 2: lines 5-20). The relation of allegories may or may not deal with participants' assumptions.

Again, per the Allegoric argument, Bajer does not use allegories. The mere fact something may appear in the form of audio, video or other formats is irrelevant. The question remains, "Are they allegories?" This question is similar to inquiring whether a book is "fiction" or "non-fiction." As stated in the Bajer's Abstract the ". . . plurality of stimuli are presented to a user in the context of a simulation." This is repeated in the Summary (Col. 2: 41-42). Simulations seek to represent real-life situations as directly and as overtly as possible; the scenarios in Bajer seek to perpetuate the simulation. This contradicts the definition of symbol in the invention (Page 11, 18-20) as "a thing that implies something more than its obvious, immediate, and direct meaning." Thus, a simulation is not an allegory as elaborated in the Allegoric argument.

In the invention, questions and answers are not evaluated as either correct or incorrect as part of its process. They not only help to select the next allegory but promote discussion, understanding, acceptance and action on the allegory's message as stated in the Question argument. Evaluation is an integral step in Bajer, and the invention is rendered inoperative without it (Col. 11: 47-63). The invention does not require such a step in order to function.

With regard to Parry and the time associated to user's answers to a series of questions, there are five major differences with the invention.

First, Parry does not use allegories. Its focus is on a database providing the material necessary to learn a language (Col. 2: 35-38; Col. 3: 21-36), none of which include allegories as outlined in our Allegoric argument.

Second, the focus of Parry's questions is retention (Col. 1: 65-67) and not the other purposes per the Question argument.

Third, Parry is focused on the correctness of answers (Col. 15: 33-35). This runs counter to the invention per the Arbitrary sub-argument in the Question argument.

Fourth, Parry employs a several day delay between the review and test (Col 15: 27-31). This runs counter to the invention per the Immediate and Synergistic sub-arguments of the Question argument. Questions in the invention run congruent with the allegory not just after it.

Fifth, Parry employs a testing format (Col. 15: 22-25) which counters the Boundless, Expressive and Commentative sub-arguments of the Question argument. In Parry, the correctness of responses determines the content of training going forward (Col. 15: 55 – Col. 16: 7). We make no such condition in our claims. For purposes of content, as stated in the Arbitrary sub-argument of the Question argument, there are other considerations besides correctness that determine content. For example, spontaneous comments un-associated to specific questions can determine content and the selection of allegories.

With regard to incorporating Bajer and Parry, there are three major differences to the invention.

First, both of their questioning formats rely upon correct answers to determine the speed with which a user moves through the training. This runs counter to our Question argument and more specifically, the Arbitrary sub-argument.

Second, neither use spontaneous user comments in that determination. This runs counter to our Commentative sub-argument of the Question argument.

Third, neither use allegories as stated above.

With regard to relating the first allegory to the audience.

Again, per the Allegoric argument, Bajer does not use allegories. The mere fact something may appear in the form of audio, video or other formats is irrelevant. The question remains, "Are they allegories?" As stated in the Bajer's Abstract the ". . . plurality of stimuli are presented to a user in the context of a simulation." This is repeated in the Summary (Col. 2: 41-42). Simulations seek to represent real-life situations as directly and as overtly as possible; the scenarios in Bajer seek to perpetuate the simulation. This contradicts the definition of symbol in the invention (Page 11, 18-20) as "a thing that implies something more than its obvious, immediate, and direct meaning." Thus, a simulation is not an allegory as elaborated in the Allegoric argument.

With regard to the limitation of determining the amount of time spent relating the allegory by the questions and comments from the associated audience during the relating of the first allegory.

Again, per the Allegoric argument, Bajer does not use allegories. The mere fact something may appear in the form of audio, video or other formats is irrelevant. The question remains, "Are they allegories?" As stated in the Bajer's Abstract the ". . . plurality of stimuli are

presented to a user in the context of a simulation." This is repeated in the Summary (Col. 2: 41-42). Simulations seek to represent real-life situations as directly and as overtly as possible; the scenarios in Bajer seek to perpetuate the simulation. This contradicts the definition of symbol in the invention (Page 11, 18-20) as "a thing that implies something more than its obvious, immediate, and direct meaning." Thus, a simulation is not an allegory as elaborated in the Allegoric argument.

Bajer's "Pont of Reflection" differs from the invention in that the outcomes from this reflection do not alter the training session only the user's responses (Col. 13: 11-15). In the invention, the questions and answers the instructor receives from the audiences will impact the selection of allegories.

With regard to Parry:

Again, Parry does not use allegories. Its focus is on a database providing the material necessary to learn a language (Col. 2: 35-38 and Col. 3: 21-36), none of which include allegories as outlined in our Allegoric argument.

Parry's report that provides the average amount of time a student spends in each learning session is only one indicator of how long a training session should last. Furthermore, the questions, answers and comments in the invention pertain to the use of allegories in a training session not a training session itself.

Furthermore, since the report only provides results from a test that occurred several days after the training (Col. 15: 27-31) it has no bearing on gauging the amount of time that training should take. In other words, the information arrives after the training is over. Additionally, Parry makes no mention that this report helps to gauge the timing of even the next session (Col. 16-28). Consequently, whereas the invention incorporates the use of questions, answers

and comments to help gauge the length of discussion on a particular allegory and when to introduce another allegory *during* the training, Parry with the incorporation of Bajer differs from the invention.

Additionally, there is no indication that this report, as it pertains to timing, is used in Parry to determine the length of even the next training session (Col. 15: 36-53 and Col. 21: 12-33) since the goal seems to be to keep the number of items in a working group constant after factoring in a weighting for difficulty (Col. 15: 40-45) and factoring in some minimum number of activities determined by a content expert (Col. 21: 31-33).

Consequently, per our Question argument the invention differs from both Parry and Bajer in the determination of how much time is spent in a training session. Furthermore, our time requirement is focused on the use of allegories not the training session itself. Again, several allegories can be used in a single training session.

With regard to the limitation of choosing a second allegory based upon the answers to the series of questions, the comments from the audience during relating of the first allegory, and the interrelation of the two allegories.

Per the Allegoric argument, Bajer does not use allegories. As stated in the Bajer's Abstract the ". . . plurality of stimuli are presented to a user in the context of a simulation." This is repeated in the Summary (Col. 2: 41-42). Simulations seek to represent real-life situations as directly and as overtly as possible; the scenarios in Bajer seek to perpetuate the simulation. This contradicts the definition of symbol in the invention (Page 11, 18-20) as "a thing that implies something more than its obvious, immediate, and direct meaning." Thus, a simulation is not an allegory as elaborated in the Allegoric argument.

Furthermore, the assumptions in Bajer do not determine whether the Validation step occurs. The step occurs regardless of the user's assumptions (Col. 10: 9-12). In the invention, the second allegory is dependent upon audience's questions, comments and answers.

With regard to the limitation of allowing comments and questions from the audience during the relating of the second allegory.

Again, per the Allegoric argument, Bajer does not use allegories. Bajer does not present allegories but rather "a series of 'What happens next' scenarios (Col. 11: 18-20) based upon simulations (Col. 2: 41-42). "What happens next" scenarios are asking the user to select a future outcome from a representative real-life event. As stated in Bajer's Abstract the ". . . plurality of stimuli are presented to a user in the context of a simulation." This is repeated in the Summary (Col. 2: 41-42). Simulations seek to represent real-life situations as directly and as overtly as possible; the scenarios in Bajer seek to perpetuate the simulation. This contradicts the definition of symbol in the invention (Page 11, 18-20) as "a thing that implies something more than its obvious, immediate, and direct meaning." Thus, a simulation is not an allegory as elaborated in the Allegoric argument.

The invention uses questions, answers or comments not validations. Furthermore, the validations in Bajer are only recorded (Col. 15: 50-55) so there is no immediate feedback as in the invention in which the instructor responds to the questions, answers or comments in order to elicit further ones. Additionally, the questions the user selects are limited by what's in the text box (Col. 15: 39-40) in order to progress through the simulation. The invention does not use a drop-down menu in which the audience must ask a question to move forward in the process. Per the Question argument and all of its sub-arguments, the invention differs from Bajer in six significant ways.

First, questions, answers and comments are boundless. They are not confined to drop-down menus and validations.

Second, the instructor can receive expressive input. Bajer does not allow for the audio or visual observation of the user.

Third, the invention allows for extemporaneous comments. Bajer's questions are selected from a menu and comments are limited to validations.

Fourth, the invention permits questions and comments to be delivered to the instructor immediately. In Bajer, the transcript, which contains the validations, are given to a live coach who may discuss them further after the simulation is done (Col. 16: 24-27).

Fifth, the invention permits an interaction between the audience and the instructor during the allegory. Bajer waits until the simulation is over.

Sixth, the invention does not concern itself with the validation of assumptions in the presentation of a second allegory. Bajer requires the input of validations for each assumption (Col. 13: 16-21; Col. 15: 48-55; Col. 15: 67 – Col. 16: 4). Therefore, the questions and comments in the invention are arbitrary while the validations in Bajer are mandatory.

With regard to the limitation of interrelating the allegories based upon the answers and the comments.

Again, per the Allegoric argument, Bajer does not use allegories. Bajer does not present allegories but rather "a series of 'What happens next' scenarios (Col. 11: 18-20) based upon simulations (Col. 2: 41-42). "What happens next" scenarios are asking the user to select a future outcome from a representative real-life event. As stated in Bajer's Abstract the ". . .

plurality of stimuli are presented to a user in the context of a simulation." This is repeated in the Summary (Col. 2: 41-42). Simulations seek to represent real-life situations as directly and as overtly as possible; the scenarios in Bajer seek to perpetuate the simulation. This contradicts the definition of symbol in the invention (Page 11, 18-20) as "a thing that implies something more than its obvious, immediate, and direct meaning." Thus, a simulation is not an allegory as elaborated in the Allegoric argument.

In the invention, the selection of one allegory is not dependent upon another because other factors such as the questions, answers and comments and the training objectives of the instructor come into play. Moreover, the actual order of allegories is not set. For example, the first allegory in one training session could be the seventh in another and there will be a need to interrelate all allegories into meeting the overall training objective. In Bajer, the connection between the Awareness and Validation sessions is sequential, meaning that Validation will never precede Awareness – a difference from the invention. In Bajer, a user cannot perform a validation until he has made an assumption. Furthermore, there are only three sections, Awareness, Validation and Action (Col 10: 9-12). In the invention, the number of allegories is only limited by the number in the database which will exceed three. For example, the training may utilize seven, fifteen, twenty-five or more allegories.

Furthermore, Bajer's "What next" scenarios do not move along as a result of questions, answers and comments but by the user selecting an appropriate response to a prompt to continue the simulation (Col. 11: 36-39 and Col. 12: 35-36). In the invention, the instructor is responsible for showing the interrelationship of all allegories used in the training.

With regard to the limitation of choosing a third allegory based upon the answers to the series of questions and comments from the audience during the relating of the first and second allegories, and allowing comments from the audience during the relating of the third allegory.

Again, per the Allegoric argument, Bajer does not use allegories but simulations (Col. 16: 58-61; Col. 16: 66-67;). This contradicts the definition of symbol in the invention (Page 11, 18-20) as "a thing that implies something more than its obvious, immediate, and direct meaning." Thus, a simulation is not an allegory, and there is no choosing of an allegory by Bajer.

Per the Scientific/Statistical argument, Bajer makes use of algorithms to help the user, not an instructor. These algorithms are defined in Bajer using the term "virtual" to distinguish algorithmic characters from "live" ones (Col. 16: 24-27). Therefore, they are not the same and do not generate the same experience as explained in the Scientific/Statistical argument.

The interactions in Bajer between the user and virtual trainee do not involve questions, comments and answers asked by the virtual trainee or by the user. They involve assumptions and validations only (Col. 17:1-4; Col. 17: 7-10; Col 17: 25-30). The invention does not involve the audience identifying assumptions and then validating them.

With regard to the limitation of interrelating the allegories based upon the answers and comments.

Again, per the Allegoric argument, Bajer does not use allegories but simulations (Col. 16: 58-61; Col. 16: 66-67). This contradicts the definition of symbol in the invention (Page 11, 18-20) as "a thing that implies something more than its obvious, immediate, and direct meaning." Thus, a simulation is not an allegory, and there is no interrelating of allegories by Bajer.

In the invention, the interrelation of one allegory with another does not involve assumptions and validations made by the audience. In Bajer, the connection among the sessions is sequential, meaning that Validation will never precede Awareness – a difference from the

invention. In Bajer, a user cannot perform a validation until he has made an assumption. Furthermore, there are only three sections, Awareness, Validation and Action (Col 10: 9-12). The invention is not limited to three sections. Additionally, Bajer does not use questions, comments and answers as outlined in the Question argument to connect one section with another but rather uses assumptions and validations to do so (Col. 3:50-60; Col. 10: 15-41). The questions Bajer uses are only to promote the continuation of the simulation (Col. 11: 36-39; Col. 12: 35-36).

With regard to the limitation of utilizing the allegories to progress from a first idea to at least an incrementally different second idea.

Again, per the Allegoric argument, Bajer does not use allegories but simulations (Col. 16: 58-61; Col. 16: 66-67). This contradicts the definition of symbol in the invention (Page 11, 18-20) as "a thing that implies something more than its obvious, immediate, and direct meaning." Thus, a simulation is not an allegory, and there is no utilizing of allegories by Bajer to progress from one idea to the next.

With regard to the limitation of utilizing the allegories and their interrelation to progress from the first idea to a final idea.

Again, per the Allegoric argument, Bajer does not use allegories but simulations (Col. 16: 58-61; Col. 16: 66-67). This contradicts the definition of symbol in the invention (Page 11, 18-20) as "a thing that implies something more than its obvious, immediate, and direct meaning." Thus, a simulation is not an allegory, and there is no utilizing of allegories by Bajer to progress from one idea to a final idea.

In the invention, the allegories are non-sequential, meaning that one allegory does not automatically follow another because other factors such as the questions, answers and

comments and the training objectives of the instructor work to interrelate them. Bajer differs by connecting the sections sequentially so they are not influenced by the user in any way. Awareness always precedes Validation which always precedes Action (Col 10: 9-12). Therefore, the progression from one idea to a final one differs in the invention from Bajer.

With regard to the choosing of a training session/content to open.

Again, per the Allegoric argument, Bajer does not use allegories but simulations (Col. 16: 58-61; Col. 16: 66-67). This contradicts the definition of symbol in the invention (Page 11, 18-20) as "a thing that implies something more than its obvious, immediate, and direct meaning." Thus, a simulation is not an allegory, and there is no utilizing of allegories by Bajer to progress from one idea to a final idea.

Again, Parry does not use allegories. Its focus is on a database providing the material necessary to learn a language (Col. 2: 35-38; Col. 3: 21-36), none of which include allegories as outlined in our Allegoric argument.

Bro does not work with allegories because it's concerned with realistic, information exchange focused on conveying health awareness and goal management messages while maintaining surveillance over patients, clients or employees (Col. 1: 15-22; Col. 4: 45-47; Col. 14: 17-20). Additionally, as outlined in the Allegoric argument, realism pertains to things with an obvious, immediate, and direct meaning. This runs counter to the invention per the Allegoric argument in which allegories, by using symbols, imply something more.

Continuing with Bro and a method for mediating social and behavioral processes, which includes an embodiment in which a user is asked a series of questions in order to determine the level and content of material presented to the user to begin a training session, the questions in that prior art are to facilitate "information exchange" (Col 1: 15-22) which is the

technical field of the art. Furthermore, the goal of such exchange is to provide "a computerized telecommunication system that conveys health awareness and goal management messages which maintain surveillance over patients, clients or employees by periodically sending behavioral motivation reinforcement messages and/or questions that require a patient's or employee's interaction." (Col 1: 17:22).

These aspects create a major difference in the questioning process between the invention and Bro: Bro's questions are primarily in the form of a polling format (Col 15: 14-16 and Col 36: 53-44). Referencing the Question argument we find that questions can serve a greater purpose than determining the "proficiency of the user" to facilitate a starting point (Office action: Page 6). They can also serve an influential purpose as stated in the Question argument that is lacking in Bro.

Thus, as outlined above the Bro method is aimed at facilitating "information exchange" through a "computerized telecommunications system." Its questioning method does not provide for immediacy and the synergy that can develop from dialog. In fact, Bro seems to promote this lack of immediacy as a virtue (Col 38: 37-39). Consequently, it suffers from restricting the expressiveness and spontaneity that can be gathered during real-time. For instance, even though Bro provides for audio responses from the patient, the health care provider never sees or hears the patient's initial reaction to the question. Moreover, there seems to be no mention on how Bro's method will facilitate user initiated questions and comments to the health care provider outside of indicating that an emergency is at hand through a "hot-line" (Col 38: 35-42). In the invention, it's quite likely that the starting point is chosen by such initiative from the learner in response to the initial questions in real-time. These can take the form of not only answers but questions and comments too as outlined in the Question argument.

With regard to claims 3 and 8, and the limitation of utilizing the at least three allegories in progressive incremental steps.

Again, per the Allegoric argument, Bajer does not use allegories but simulations (Col. 16: 58-61; Col. 16: 66-67). This contradicts the definition of symbol in the invention (Page 11, 18-20) as "a thing that implies something more than its obvious, immediate, and direct meaning." Thus, a simulation is not an allegory, and there is no utilization of the at least three allegories in progressive incremental steps by Bajer.

With regard to claims 4 and 9, and the limitations of choosing a final allegory based upon answers to the series of questions and comments from the audience during the relating of the previous allegories, and allowing comments during the allegory, and interrelating all of the allegories based upon the answers and comments.

Per the Allegoric argument, virtual characters are not allegories: these characters represent exactly who they are meant to be in the simulation. "Virtual" and "simulation" refer to representations of real-life. For example, in dream analysis, finding a purple sphere can mean something far more than a colored ball. Depending upon context it can also mean the dreamer discovering a powerful, intuitive aspect of himself. Symbolisms such as these extend past dreams into reality. A person having a particular attachment to such a ball in real life might symbolize an inner desire to discover such a powerful aspect of himself. Psychologically, symbolism such as this comes from the analytical branch which evolved from practitioners such as Freud and Jung which forms the basis of the invention. This branch differs significantly from the cognitive one cited in Bajer (Col. 18: 62 – Col. 21: 35).

Applying these arguments specifically to Bajer, this invention does not pertain to allegories or symbols in any manner. The intent of Bajer is to provide realism, meaning that all images represent exactly who and what they seem to be to produce a virtual world in the form of

simulations so an environment as similar to real work exists for the user to experience and practice (Col. 19: 1, 4, 5-7; Col. 19: 17-19; Col. 19: 31-32; Col. 19: 38-40; Col. 20: 4-5; Col. 20: 32-34; Col. 20: 39-41; Col. 20: 55-65; Col. 21: 5-11; Col. 22: 18-28; Col. 24: 20-27) . In Bajer, a man represents a man, a woman a woman, a house a house, a building a building etc. (Fig. 3A: 302; Fig. 4: 400; Fig. 5: 502, 504; Fig. 6: 602; Fig. 7; Fig. 8; Fig. 8B; Fig. 9A). There are no other implied meanings beyond their obvious, immediate, and direct ones. At this time, it would be helpful to compare this to the example cited in the Allegoric argument from the invention. Bajer does not use symbols and allegories nor is it its intention to do so.

Per the interactivity cited in Bajer, our Question argument applies here. The user's responses are limited to a text entry and/or choice of presented options (Col. 1-2). As stated in the Question argument and related to Bajer, the response formats are far more limited than the invention. First, the options are prompted after viewing a video and are limited to those given (Col. 11: 34-40). Second, the text entries are limited to assumptions typed by the user (Col. 12: 41-44) and feedback is limited to regurgitation of those assumptions by the algorithm in various forms (Col. 12: 49-54). The assumptive text is not worked into any other kind of feedback until after the session with a live instructor. For example, there is no immediate feedback on why the user may have that assumption.

In conclusion, Bajer's questioning process as explained in the Question argument is not as boundless as the invention because it's free-form responses are limited to assumptions and a drop-down menu of options for "What happens next" simulations. Its text responses are further limited by no immediate feedback except as the regurgitation of those responses in various sentence structures. Bajer's questioning does not allow for verbal and visual expressive inputs, does not allow for user initiated free-from responses, does not allow for immediate feedback except in the choice of scenarios, and does not allow for a synergistic interaction between user and trainer.

With regard to utilizing all of the allegories and their interrelation to progress from one idea to the final idea, wherein the difference between the point of the final allegory and the point of the first allegory is larger than the difference between the point of the first allegory and the point of the second allegory.

> Again, per the Allegoric argument, Bajer does not use allegories but simulations (Col. 16: 58-61; Col. 16: 66-67). This contradicts the definition of symbol in the invention (Page 11, 18-20) as "a thing that implies something more than its obvious, immediate, and direct meaning." Thus, a simulation is not an allegory, and there is no utilization of the allegories and their interrelation to progress from one idea to a final idea by Bajer.

With regard to claims 5 and 10, and the limitation of selecting a final idea to be reached prior to selecting the first allegory.

With regard to claims 6 and 11.

> Again, per the Allegoric argument, Bajer does not use allegories but simulations (Col. 16: 58-61; Col. 16: 66-67). This contradicts the definition of symbol in the invention (Page 11, 18-20) as "a thing that implies something more than its obvious, immediate, and direct meaning." Thus, a simulation is not an allegory, and Bajer does not present allegories via an electronic medium.

Addressing Prior Art

Bajer et al.

All four of our general arguments apply to Bajer to make the invention different from it. We will connect each argument to specific aspects of Bajer to demonstrate this difference; however, an understanding of our general arguments will help.

Allegoric

Per the allegoric argument, virtual characters are not allegories: these characters represent exactly who they are meant to be in the simulation. "Virtual" and "simulation" refer to representations of real-life. For example, consider these definitions of simulation and simulate from two dictionaries:

- *Webster's Encyclopedic Unabridged Dictionary of the English Language*, Copyright © 1996 by Random House Value Publishing, Inc.

  Simulation 1. imitation or enactment, as of something anticipated or in testing. **2.** the act or process of pretending; feigning. **3.** an assumption or imitation of a particular appearance of form; counterfeit; sham. . . . **5.** *Psychiatry*. The representation of the behavior or characteristics of one system through the use of another system, esp. a computer program designed for the purpose.

  Simulate 1. to create a simulation, likeness, or model of (a situation, system, or the like) . . . **2**. to make a pretense of; feign. **3**. to assume or have the appearance or characteristics of.

- *The American Heritage College Dictionary*, Copyright © 2000 by Houghton Mifflin Company.

  Simulate 1.a. to have or take on the appearance, form, or sound of; imitate. **b**. to make in imitation of or as a substitute for. **2**. to make a pretense of; feign. **3**. to create a representation or model of.

> **Simulation 1.** the act or process of simulating. **2.** an imitation, sham. **3.** assumption of a false appearance. **4.a.** imitation or representation, as of a potential situation. **b.** representation of the operation or features of one process system through the use of another.

Contrasting these definitions to a field that makes extensive use of symbols, dream analysis, we find a purple sphere can mean something far more than a colored ball. Depending upon context it can also mean the dreamer discovering a powerful, intuitive aspect of himself. Symbolisms such as these extend past dreams into reality. A person having a particular attachment to such a ball in real life might symbolize an inner desire to discover such a powerful aspect of himself.

As a further example, in FIGURES 9-16 of the invention, the blue circle was intentionally selected to symbolize the viewer as opposed to the red square. Here, blue indirectly conveys truth and wisdom while the circle flexibility and freedom; whereas red conveys impulsiveness and the square rigidity. Thus, these feelings are conveyed intuitively to encourage the audience to accept and act on the points the instructor wishes to make about the allegory. Psychologically, symbolism such as this comes from the analytical branch which evolved from practitioners such as Freud and Jung which forms the basis of the invention. This branch differs significantly from the cognitive one cited in Bajer (Col. 18: 62 – Col. 21: 35).

As a further example, consider what our Allegoric argument has to say about FIGURE 36 in the invention (Page 62: lines 14-25). Contrast the man and woman in the invention with that of Bajer's in FIGURES 3A (302); 4 (400); 5 (502, 504); 8 (805) and 8B. Clearly Bajer's men and woman are meant to look like men and women in a way that is easily recognizable to the leaner without much additional prompting and information.

Applying these arguments specifically to Bajer, this invention does not pertain to allegories or symbols in any manner. The intent of Bajer is to provide realism, meaning that all images

represent exactly who and what they seem to be to produce a virtual world in the form of simulations so an environment as similar to real work exists for the user to experience and practice (Col. 19: 1, 4, 5-7; Col. 19: 17-19; Col. 19: 31-32; Col. 19: 38-40; Col. 20: 4-5; Col. 20: 32-34; Col. 20: 39-41; Col. 20: 55-65; Col. 21: 5-11; Col. 22: 18-28; Col. 24: 20-27) . In Bajer, a man represents a man, a woman a woman, a house a house, a building a building etc. (Fig. 3A: 302; Fig. 4: 400; Fig. 5: 502, 504; Fig. 6: 602; Fig. 7; Fig. 8; Fig. 8B; Fig. 9A). There are no other implied meanings beyond their obvious, immediate, and direct ones. Bajer does not use symbols and allegories nor is it his intention to do so as they are and as we intended in the invention.

Scientific/Statistical

We can apply the Scientific/Statistical argument to Bajer in two ways.

First, Bajer entails a learner interacting with a complex set of algorithms that manufacture simulations and responses to user inputs in the form of computer software and hardware (Col. 1: 22-24; Col. 3: 63 – Col. 4: 15). These algorithms are complex codes and protocols (Col. 8: 13-18; 23-30; 45-65). The algorithms' objective is to produce a formulated response to inputs by the user that will simulate reality (Col. 5: 49-53). The invention requires no algorithms to perform these functions because the instructor selects all allegories based upon his assessment of the feedback in the form of questions, answers and comments, the training sessions' objectives and his knowledge of the allegories and their particular functions and relationships to each other (Page 22: line 18 – Page 23: line 7).

Second, Bajer focuses on the validation of assumptions, a scientific methodology as defined by the invention (Page 11: lines 6-11; Page 16: lines 14-24). Since the invention is an unscientific method, it does not concern itself with the validation of assumptions or any other ideas. It relies

upon those emphasized by the first-party, learners (Page 16: line 26 – Page 17: line 9). The invention goes on further to contrast scientific and unscientific methods (Page 17: lines 11-24).

Questions

In Bajer, the user's responses are limited to a text entry and/or choice of presented options (Col. 11: 1-2). The response formats are far more limited than in the invention as outlined in the Question argument. First, the options are prompted after viewing a video and are limited to those given (Col. 11: 34-40). Second, the text entries are limited to assumptions typed by the user (Col. 12: 41-44) and feedback is limited to regurgitation of those assumptions by the algorithm in various forms (Col. 12: 49-54). The assumptive text is not worked into any other kind of feedback that alters the progress of the simulation. For example, there is no immediate feedback on why the user may have a particular assumption.

In conclusion, Bajer's questioning process as contrasted against the Question argument is not as boundless as the invention because it's free-form responses are limited to assumptions and a drop-down menu of options for "What happens next" simulations. Its text responses are further limited by no immediate feedback except as the regurgitation of those responses in various sentence structures by the algorithm. Furthermore, Bajer's questioning does not allow for verbal and visual expressive inputs, does not allow for user initiated free-from responses, does not allow for immediate feedback except in the choice of scenarios, and does not allow for a synergistic interaction between user and trainer. For instance, the learner cannot enter a response of his own in order to try to alter the course of the simulation. As an example, if the learner suddenly wanted to take the person to headquarters for further questioning, he cannot do that unless it was one of the options presented by the Bajer invention.

Conceptual

Bajer is concerned with training the validation of appropriate assumptions and information (Col. 2: 48-50; Col. 13: 16-21) and not instilling a deeper intuitive construct of interpersonal relationships as the invention does (Page 5: lines 8-24; Page 15: line 9 – Page 16: line 6; Page 18: lines 4-20). In this context, our definition of intuition (Page 10: lines 20-21) is important. There is no evidence that indicates Bajer attempts to go beyond the mere recognition of appropriate assumptions and their validation to impact the learner on an emotional level (Col. 11: 50-54; 59-63). The focus is on recognizing an assumption and responding with a validation. Again, as stated when we applied the Scientific/Statistical argument to Bajer, validation is a scientific approach.

As an example of this critical learning approach between the invention and Bajer, let's apply the intuitive learning concept in the invention to highlight one way in which the invention differs substantially.

We'll use Bajer's example of a youth running towards a suited man as shown in FIGURE 4. In this example, the learner is asked, "What happens next?" and is prompted to make a selection which he believes is most appropriate (Col. 11: 29-40). Upon the selection a second portion of the simulation appears as shown in FIGURE 5 in the form of the man walking into danger and the youth saving him (Col. 11: 41-46). Bajer goes on to provide two contexts, one violent and one non-violent, for the scenario to accentuate the role of assumptions (Col. 12: 14-27). A virtual psychologist also appears to explain how certain violent assumptions might have played into the simulation because of the youth's appearance (Col. 12: 60-65). In the example, Bajer uses the point to show that the selection of "attack" or "rob" as the "What happens next" option is incongruent to what the simulation played out (saving the man in this example).

Before we go into the application of the invention's learning method to Bajer's example, it's important to highlight the context of the learning approach Bajer utilizes for it's differences to the invention. That context is one of cultural behaviors and assumptions. Bajer is focused on

assumptions formed by an organization's culture (Col. 1: 28-30; 38-46; 50-53; 56-63). Bajer does not address the assumption in the invention that assumptions do not only reflect cultures but individual personalities. In other words, the assumptions people select can tell a lot about their personalities.

Applying an unscientific, intuitive approach as outlined in the invention to this example and to the context of Bajer involving organizational cultures, the actual outcome of the event and the validation of assumptions is not needed with the invention's approach. We can do this by focusing solely on FIGURE 4, removing the "What happens next" options, and asking the learner to comment on what is happening in FIGURE 4 and on what might happen next. We could extend the example by asking the learner to comment on what action he would take. Since assumptions are also very individualized and not solely the product of cultures, we can make some preliminary, personality determinations about the learner based upon his open-ended responses. Moreover, if we could teach the user some of these assessment techniques, he could, by uncovering the assumptions of other people, make some preliminary determinations about their personalities that would better help him interrelate with them and expect certain outcomes. In fact, in this example, FIGURE 4 could be a tool in a personality assessment to help identify good candidates for hire and potential troublesome employees who need further or more extensive training. This works because in FIGURE 4 there is no right answer. You can't tell what will happen next, negative or positive.

For example, a person who paints an extremely pleasant story around FIGURE 4 will likely address events in more non-violent ways than one who paints an extremely unpleasant picture. The propensity for violence will be more likely in the latter. Of course, the actual detail of the learner's response extends beyond mere positive and negative, but the fact remains, his response gives insight into his personality. Clearly, this is not Bajer's focus; it's one of raising awareness for assumptions and then validating them. It does not seek to create a deeper, intuitive

understanding and appreciation for personalities and interpersonal relationships as indicated by our application of Bajer's example.

Bro, L. William

Bro concerns itself with information exchange and surveillance activities (Col. 1: 15-22; Col. 14: 17-20). It does not concern itself with allegories, symbols or archetypes, a major difference from our work. Furthermore, the need it addresses is for a computer driven interactive two-way communication link that increases the opportunity to create realistic and engaging behavioral reinforcement (Col. 4: 45-47; Col. 15: 14-16; Col. 59: 10-14). Again, as with what has already been stated with Bajer regarding simulations, realism is about an event's obvious, immediate and direct meaning. Bro does not make mention of using the covertness that allegories, symbols or archetypes offer in its embodiments. As explained by our Allegoric argument such realism and information exchange does not constitute the use of allegories which have indirect meanings.

This is further reinforced when we examine the nature of the content Bro intends. It is rich in explanations, facts and relevant information and could gradually be varied to increase requests for performance and compliance from the patient/employee (Col. 29:6-12; Col. 57: 41-46). While it does incorporate video feeds, as explained in our Allegoric argument, video and other images don't automatically qualify as allegories. Because Bro's emphasis is on behavioral change, its focus is not on the deeper intuitive motivations address by the invention's allegories as elaborated in the Allegoric argument.

Bro uses algorithms to move behavior along a prescribed a model as shown in FIGURE 3 (100) and to indicate what type of action is necessary (Col. 25: 13-25; 50-57). Bro seeks to address behavioral and compliance problems by facilitating regular feedback and adjustment over time according to this model (Col. 3: 35-40; Col. 61: 54-58). The invention does not make use of algorithms to determine the selection of the next allegory.

Questions/Feedback

Bro makes extensive use of various types of questioning and feedback which also differs from the invention as initially elaborated by our Question argument. In applying this argument and its sub-arguments in detail to Bro, the invention differs from Bro in that it provides a continuous, uninterrupted, synergistic feed of questions, answers and comments in the selection and progress of the allegories. Contrastingly, Bro's interactions are performed intermittently through various automated textual, audio and video interfaces utilizing wired and wireless telecommunications links often in pre-recorded formats (Col 14: 14-20; Col. 15: 52-56; Col. 17: 15-18; 41-43; Col. 20: 5-8; Col. 21: 1-6; Col. 28: 59-63; Col. 36: 29-33; Col. 53: 60 – Col. 54: 7). Most of this is done for the convenience of the latter (Col. 32: 32-39).

As explained in the Question argument, the purpose of questions extends beyond retrieving an answer and the invention makes full use of the other purposes elaborated upon in the Question argument. More specifically, Bro is far more restrictive in the expressive aspects an instructor can retrieve, the immediacy of feedback, the synergistic aspects of questions, answers and comments, and the arbitrary nature. We will run through examples of each.

Prescribed messages and/or questions are a mainstay of Bro (Col. 8: 66 – Col. 9: 3). The questions can appear in the form of queries, polling questions and quizzes (Col. 15: 14-16; Col. 36: 51-61). In these cases, while answers are given and received, they lack expressive attributes and immediate relevancy to the time and place and further elaborated upon by the Expressive and Immediate sub-arguments of our Question argument. In the invention, retrieving real-time feedback is an attribute along with any expressive verbal and visual clues. Bro does not incorporate these attributes here. Furthermore, even though Bro uses coaching to analyze reports and patient answers to questions, it's delayed and thus not immediate and does not incorporate expressive attributes (Col. 49: 17-20).

Bro does make use of audio and visual and human interface technology. Here, while some of the expressive qualities of comments, questions, and answers exist, there is still the lack of immediacy as these are most often pre-recorded (Col. 38: 35-42; Col. 53: 18-28; Col. 56: 49-51). Bro also provides for a live counselor that the patient can access, but this only permits real-time interactions at the initiation of the patient (Col. 54: 64 – Col. 55: 9). Bro also mentions and it can be assumed that face-to-face interactions between health care provider and patient will continue, but clearly Bro is emphasizing the convenience of the art to minimize this (Col. 32: 32-39). Clearly, the purpose of Bro is not to make the most of immediate, spontaneous feed-back but rather to defer it in a pre-recorded, digital format. This differs from the invention that seeks to maximize real-time feedback in order to progress and select through the allegories.

The invention also differs from Bro in its questioning attributes in the synergies that develop among the questions, answers and comments as explained by the Synergistic sub-argument. Bro uses disjointed feedback that goes back and forth between patient and provider in different mediums at different times (Col. 53: 60 – Col. 54: 7). Furthermore, Bro emphasizes the need to secure correct answers or promote specific behaviors. Such tools include double-bind quizzes or questions, testing for the retention of factual information and extrinsic or graded incentives (Col. 29: 18-19; 48-51; Col. 60: 52-54). Additionally, Bro makes use of timing the response time to various questions and stimuli to diagnosis problem issues or behaviors that deviate from the ideal (Col. 19: 17-22). This differs from the invention which uses questions, answers and comments to determine the selection and progress of allegories as elaborated by the Arbitrary sub-argument of the Question argument.

Parry et al.

With regard to Parry and its application to and integration with the invention, such a connection would be difficult because the intents of the inventions are quite different.

Parry does not concern itself with allegories or the teaching of interpersonal concepts but rather with the dealing of information (Col. 1: 64-67) aimed at activities and materials directed to learning a specific concept (Col. 2: 35-38). The learner can learn a concept but neither agree with nor accept it unless it taps him on an intuitive level. Parry seeks to accommodate students of different languages through a database system (Col. 2: 44-49). This database uses words, phrases, sentences and other similar language constructs to identify specific grammar, syntax, vocabulary or other language structure or concepts (Col. 3: 21-25). The objective is to help the student learn to speak or use new phrases through an interactive computerized tutor (Col. 3: 41-46). Essentially Parry's intent is to be used for foreign language training (Col. 11: 10-12).

This is important because it gives insight into the singular focus of this invention when it is applied beyond languages. In these instances, the invention provides students with experience and skills necessary to learn and understand new information, concepts or skills and retain them in long-term memory. The system may also be used to learn to perform various tasks in a target subject matter, be it a language, science, technology or trade. (Col. 5: 23-31). The focus of the invention is interpersonal relationships and creating a better intuitive understanding of them. The learning of languages or specific tasks and concepts do not have the variability that human personalities do.

We can see this singular focus with Parry when we examine its intent to provide a review method and system for studying efficiency (Col. 2: 62-65). Here, it seeks to relieve the instructor of responsibilities and performance of various teaching functions (Col. 4: 6-13) through the use of databases and templates (Col. 6: 21-22) and interactive computerized learning activities (Col. 6: 28-30). In the invention, the instructor is essential to the process because no algorithm can assess the factors related to questions, comments and answers as explained in our Question argument. Furthermore, Parry uses systematic review based upon correctness and speed (Col. 14: 9-13). This means that such factors as the number of questions are dependent upon how well students

respond (Col. 18: 49-54). Introductory activities are used to present new concepts, followed by review activities and, ultimately, testing activities. Other advanced activities may also be used to increase comprehension beyond the testing stage (Col. 11: 4-7). When dealing with personalities in interpersonal relationships, what is correct is very often arbitrary because each person is unique. Such a review and testing methodology as presented by Parry is symptomatic of two factors: a singular, exclusive topic and absolute conditions surrounding it. Consequently, Parry's invention and its aspects are difficult to apply to the field of interpersonal relationships in which the invention concerns itself.

We see further evidence in the lack of immediate interaction with an instructor; Parry's interactions are with algorithms. There are delays between the review stage and test stage (Col. 15: 26-31). There are also delays between the retrieval of results, their analysis and their review with the student (Col. 26: 16-28). Not only does our general Question argument apply here to differentiate the invention from Parry's but so does our Scientific/Statistical argument because as Parry uses algorithms to perform statistical analysis to derive the learning items and activities in the working pool as shown in FIGURE 7. The Pool Learning System is an integral aspect of Parry (Col. 14: 9 – Col. 20: 27).

Therefore, the application of Parry to the invention is difficult to infer from someone with ordinary skill. First, there are no allegories. Second, the questioning methodology is not boundless, expressive, commentative, immediate synergistic or arbitrary as explained by our Question argument. Third, it is not a non-statistical method. Finally, the intention of the learning is singular and not conceptual as described in our Conceptual argument.

Olenick et al.

With regard to Olenick and its application to and integration with the invention, such a connection would be difficult because Olenick is concerned with a system and method for

creating a series of individualized lessons that are administered, usually via email, to a client at periodic times or events and then feeding back information to the professional about a client's grasp of the material (Col. 1: 0002). This would allow for automating the dispatch process with substantially more highly customized messages (Col. 1:0007).

Many of the arguments cited pertaining to Bro apply to Olenick from the perspective of electronic communications. Olenick seeks to create customized and personalized messages (Col. 1: 0015) within a context of meaningful lessons tailored to clients (Col. 1:0019). The invention differs because it's not a communication tool but a training one. Additionally, Olenick does not incorporate allegories. Its focus is on education about procedures, conditions, events, and/or warning signs which the client should be aware (Col. 1: 0020). The overall purpose being to create highly personalized informational communications for their clients, efficiently deliver these communications to their client, receive a receipt confirming their client received the communication, then receive feedback quantifying how much of the data their client was able to digest (Col. 3: 0042).

Guiding Olenick's functionality is the business rule event which forms the core embodiment of the invention and helps select content based upon a given set of parameters (Col. 3: 0048). As we also discussed with Parry, with Olenick as well this becomes an algorithmic function as described in FIGURE 1 (Col. 5: 0061 – 0082). The invention does not make use of algorithms to help select the allegories and content in any way. The Scientific/Statistical argument pertains here in terms of explaining the significance of the difference between the invention and ones driven by algorithms. Olenick uses a statistical method for such selections.

When it comes to questioning and feedback, Olenick aims to provide ways to test clients' understanding of the material (Col. 4: 0058). As outlined in our Questioning argument, the invention uses questions, answers and comments for many more purposes than just for the validation of reviewing or retention.

Therefore, the application of Olenick to the invention is difficult to infer from someone with ordinary skill. First, there are no allegories. Second, the questioning methodology is not boundless, expressive, commentative, immediate synergistic or arbitrary as explained by our Question argument. Third, it is not a non-statistical method. Finally, the intention of the learning is singular and not conceptual as described in our Conceptual argument.

Knight et al.

With regard to Knight and its application to and integration with the invention, this prior art differs from ours in its lack of allegoric content and extensive use of algorithms. Our Allegoric and Scientific/Statistical arguments apply which means Knight does not use allegories and uses a statistical method. The invention uses allegories in a non-statistical process. Moreover, Knight teaches through direct observation rather than intuitive absorption. This brings in our Conceptual argument to further differentiate the invention from Knight.

First of all, Knight involves using various forms of electronic visual formats to apply a method and apparatus for emotional modulation of a human personality within the context of an interpersonal relationship (Col. 1: 14-17). This prior art seeks to portray a realistic setting in which the user learns about personalities through direct observation. That setting is an interpersonal relationship.

We can claim this realism because Knight states that the drawback of prior art is that they are poorly suited for modeling human emotional ranges (Col. 3: 12-17). Knight seeks to allow the modeling of behavioral type in others (Col. 8: 10-26). This differs from the invention because allegories do not serve a modeling function within the context of a realistic relationship. In other words, Knight provides a system that enables the representation of human interpersonal relationships by ascribing emotional characteristics to characters (Col. 3: 53-60). Knight's

characters need to look and function like people in order for this art to portray the emotions that it intends to model. Moreover, the point of representing human relationships is reinforced because this prior art enables the representation of human interpersonal relationships in diverse fields (Col. 4: 15-21).

Knight's system can be scaled from short simulations to very long depictions of interpersonal relationships (Col. 3: 66 – Col. 4: 4). These permit individuals to experience strategies and tactics for handling work-related personality differences, improving communications skills and creating greater self-awareness (Col. 4: 40-51). Knight's intention is to provide an invention that can include all emotions that human beings can experience (Col. 5: 44-46). The focus on an experience further conveys the intention of this prior art to create something real that creates a broad range of computerized dramatic situations or stories that more closely resemble human interpersonal relationships (Col. 5: 37-41). Upon further examination of the genres Knight suggests might work for this invention, we can see this art's focus on creating simulations of people (Col. 11: 7-54).

If we now reference back to the Allegoric argument in which the invention uses things that mean something more than their overt, immediate, direct meaning, we see that Knight clearly intends to portray relationships using things that actually portray people. These are characters that look like people behaving in events that look like relationships. For example, using the invention's FIGURES 9-16, how would Knight show in a video feed an angry square or an anxious circle in a way that would allow the user to experience a human relationship?

Second, Knight uses algorithms to make better branching and variations within its invention (Col. 10: 14-19). They are used to select which branch within a narrative to follow (Col. 4: 30-33). A slider interface permitting a programmable algorithm, such as a bell curve, is used to determine which variation of the narrative to follow (Col. 9: 54-56). Moreover, programmable algorithms can be based upon choices and adjusted to take into account different viewer

personality types (Col. 10: 1-4). This can be done by personality choices relying upon many different widely researched personality inventories (Col. 8: 16-20; 28-41). Through the use of these algorithms, Knight comes to have a statistical process in the form of software for computers to determine the flow of the narrative and the manifestation of various aspects of personality within it. The invention does not use such a statistical process.

Third, and final, Knight teaches through observation and the modeling. It does not teach any kind of conceptual understanding of personalities as further elaborated by our Conceptual argument. As an example, let's take Knight's example of Hamlet (Col. 7: 1-54). In that example, there are variations on how Hamlet could behave based upon different personality attributes. Through our use of allegories, it's possible for a learner to have such a deeper understanding of personalities that he would be able to evaluate how realistic Knight's simulation is.

As another example of how the invention's approach could be manifested in this art, let's look at the definition of such words representing feelings as "angry" (Col. 12: 65) and "pleasure" (Col. 13: 28). The definition of these words are arbitrary, a function of personality. Thus, we could ask a user of Knight's invention to keep adjusting the "angry" interface until he felt the character displayed anger. In this way, we could evaluate how sensitive the user was to anger in others.

A further example of how the invention's teaching approach would alter Knight, we could ask a user to create a character with the necessary characteristics (as described in Knight's Appendices) to achieve some objective in the narrative. The user selection and the degree to which he ascribed these characteristics to his character would tell us a lot about his personality and inclinations. Thus, under the invention's approach we would have a learner try to discern what those choices indicated about the user of Knight's invention.

Therefore, the application of Knight to the invention is difficult to infer from someone with ordinary skill. First, there are no allegories as defined by the invention and elaborated upon in our

Allegoric argument, since it seeks to portray realism as expressed by such words as resemble, representation, model and experience. Second, there is no questioning and feedback except trial and error. Third, it is not a non-statistical method as it uses algorithms in the form of computer software. Finally, the intention of the learning is observational and not conceptual as further described in our Conceptual argument.

Best

With regard to Best and its application to and integration with the invention, this prior art differs from ours in its lack of allegoric content and restricted mode of feedback regarding questions, answers and comments. As defined by the invention and our Allegoric argument, Best does not use allegories. As explained by our Question argument, Best's feedback by the user is not boundless, expressive, commentative, synergistic or arbitrary.

With regard to allegoric content, Best conducts simulated two-way voice conversation with screen characters, thus providing an illusion of individualized and active participation (Col. 2: 1-7). The keywords in this reference are simulated and illusion, the appearance of realism when in fact it's not. Again, per our Allegoric argument such simulations and overt representations are not allegories. The character is a talking representation of a human or an animated character with no intent of creating a meaning beyond its obvious, immediate and direct meaning (Col. 21: 1-3; Col. 22: 27-28).

With regard to questions, comments and answers, Best utilizes menu driven responses from the user, not free-form (Col. 2: 43-61). These menus also drive the storyline further restricting options (Col. 3: 11-23). Such menus entail a selection of words, phrases or sentences (Col. 6: 52-54). These are not boundless as explained by that sub-argument in our Question argument. They are predetermined remarks made to actors, predetermined questions to ask, or the opportunity to change the course of the action or dialog (Col. 6: 1-3).

Therefore, the application of Best to the invention is difficult to infer from someone with ordinary skill. First, there are no allegories as defined by the invention and elaborated upon in our Allegoric argument, since its objective is to portray realistic conversation. Second, there is questioning and feedback through predetermined menus. Thus, it's difficult to infer an intuitive, allegoric application for this work in which there is an interrelationship among questions, comments and answers such as exists in the invention. Finally, there is no learning application intended by this invention, merely an entertainment one.

Ho et al.

With regard to Ho and its application to and integration with the invention, this prior art differs from ours in its lack of allegoric content, statistical methodology and restricted application regarding questions, answers and comments.

Ho is a method and a system that can teach a subject based on a user's questions (Col. 2: 23-24). It does not concern itself with allegories as explained by our Allegoric argument. Furthermore, it doesn't even associate itself with visual representations unless it can be associated with the answers or additional material the system produces (Col. 2: 33-38).

As explained by our Scientific/Statistical argument, Ho is a statistical method for addressing questions because of its reliance on computer readable mediums of various kinds (Col. 9: 23-34). Essentially, its answer generator retrieves the question and generates an answer based on information from the database and a set of rules (Col. 3: 39-41). The database and set of rules are reconfigured into digital formats that permit the application of various algorithms to determine what a question is asking (Col. 7: 32-36). An aspect of this involves identifying words and relating them to an algorithm or data in a table (Col. 8: 27-30; 50-52). FIGURE 8B and 10 further explain the use of algorithms in this invention. Ho also uses a statistical method for

evaluating the difficulty of the material using levels ranging from 1 to 10 (Col. 5: 39-40). Moreover, commonly-asked questions are numerically defined by number of previous users asking them (Col. 5: 65 – Col. 6: 4). Consequently, Ho concedes that there is a difference between a user asking a computer a question and asking an instructor such as in the invention (Col. 1: 45-47). Thus, the use of statistically based methods such as a computer differs from our non-statistical one.

As explained by our Question argument and its sub-arguments, questions serve various purposes. In Ho, the question is asked by the user (Col. 2: 23-24). Ho does not provide for computer generated questions or questions by an instructor. In the invention, questions from the instructor play an important role.

Delving into our Question argument more specifically and relating it to Ho, we find that Ho does not incorporate expressive aspects of questions, comments and answers. Neither the computer nor an instructor has access to the verbal and visual context of the user's question. Ho also does not incorporate any kind of method for handling a user's comments relating to the subject matter.

However, the key purpose of the user's questions in Ho is to determine the user's level of understanding and identify weaknesses (Col. 2: 33-38). The focus is on understanding not agreement, action and their potential as persuasive agents as elaborated upon in the invention and in our Question argument (Col. 1: 19-21). This focus of Ho is further emphasized when the number of questions a user asks about a particular topic indicates weakness in that area (Col. 1: 38-40). As a counter example, a large number of questions about a topic can also indicate a need to explore the subject on a deeper level of detail. Clearly, as explained by the Arbitrary sub-argument, Ho tends to view questions in a right-wrong duality. In the invention, questions serve not only as a means for uncovering knowledge states but also emotional states and perspectives. In this way, they serve a reconnoitering purpose to help the instructor decide how to present the

material not only to a particular level of understanding but also in a manner that is more likely to be accepted and acted upon on an intuitive level.

Therefore, the application of Ho to the invention is difficult to infer from someone with ordinary skill. First, there are no allegories as defined by the invention and elaborated upon in our Allegoric argument, since it makes no mention of incorporating them in its questioning format. Second, it is not a non-statistical method as explained by our Scientific/Statistical argument, since Ho uses digital mediums for computers and uses algorithms. Third, the questioning format is highly restrictive and absolute; questions are one way and go into an algorithm for determining level of understanding and material content. Thus, it's difficult to infer an intuitive, allegoric application for this work in which there isn't an interrelationship among questions, comments and answers such as exists in the invention.

Adams et al.

With regard to Adams and its application to and integration with the invention, this prior art differs from ours in its lack of allegoric content, statistical methodology and task-oriented learning application.

Adams focus is the field of educational simulation creation (Col. 1: 15-16). As explained in our Allegoric argument, simulations are not allegories because of their intent to provide realism rather than meaning beyond it's direct, obvious and immediate one. Adams purpose of the modeled behavior or attitude is to give the character a more realistic and natural interaction with the learner (Col. 11: 41-51). Clearly, realism is the intent of Adams' invention. This not only means a realistic character but also a realistic environment in which the character interacts within the realm of a simulation (Col. 2: 22-37).

Adams accomplishes this realism in two ways. First, a character trait data structure to allow for a conversation based educational simulation for a learner (Col. 2: 39-49). Second, through the use of conversation algorithms, character algorithms and evaluation algorithms along with world data structure (Col. 4: 24-31). The state of the world in the simulation is provided by a world data structure (Col. 4: 4-8). FIGURE 3 shows the incorporation of these algorithms, and FIGURE 4a shows their process. As per our Scientific/Statistical argument, Adams employs a statistical method of teaching whereas the invention does not.

The purpose of the software system and method under Adams is to teach users how to perform a specific task (Col. 3: 24-25). As explained by our Conceptual argument, this purpose is quite different from that in the invention which concerns itself with improving interpersonal relationships which can involve many tasks and not just a single or specific one.

Therefore, the application of Adams to the invention is difficult to infer from someone with ordinary skill. First, there are no allegories as defined by the invention and elaborated upon in our Allegoric argument, since it makes no mention of incorporating them in its questioning format. Second, it is not a non-statistical method as explained by our Scientific/Statistical argument, since Adams uses trait data, various algorithms and world data structures. These are computerized mediums. Third, Adams does not concern itself with concepts but specific tasks which differ from the invention as elaborated upon by the Conceptual argument. Thus, it's difficult to infer an intuitive, allegoric application for this statistically based method focused on the teaching of a specific task.

Eves et al.

With regard to Eves and its application to and integration with the invention, this prior art differs from ours in its lack of allegoric content and statistical methodology. The art does not delve into aspects of questioning and conceptual as explained by our respective arguments.

Eves concerns itself with narrative systems where one or more computer-modeled characters traverse a virtual environment, interacting with the environment and other characters within the environment, under direct or indirect control of a user (Col. 1: 4-9). The objective is to provide more realism by increasing the variation among the conversation of various virtual characters while requiring less audio data to do so (Col. 1: 53-56). This conversation will take place between two or more virtual characters (Col. 2: 16-20). The context of this effort will involve a story telling narrative in a virtual world (Col. 3: 8-13). By enhancing the realism of the conversation, Eves intends to enhance the realism of the character interactions (Col. 3: 43-45).

Per our Allegoric argument, such realism does not fall under our definition of an allegory. An allegory doesn't require virtual characters to be effective since it relies upon going beyond a thing's obvious, immediate and direct meaning. Moreover, allegories do not require realistic dialogue. Consequently, per the above citations, Eves' invention does not involve allegories.

Eves also differs from the invention in that it uses statistical methods to produce its characters as explained by our Scientific/Statistical argument. Eves creates character data stores (Col. 1: 57 – Col. 2: 6). These help give the characters their particular personality. Characters' behaviors are modeled based upon how they are defined (Col. 4: 26-28). These definitions are given certain attributes (values) which can fluctuate over time during the course of a scenario (Col. 3: 45-65). Furthermore, these attributes fluctuate based upon the actual scenarios not just time in the same manner (Col. 6: 1-4). Eves uses a statistical methodology for deriving the personality of the characters and their responses. This differs from our methodology for selecting and progressing through the allegories as explained in the scientific/statistical argument.

Therefore, the application of Eves to the invention is difficult to infer from someone with ordinary skill. First, there are no allegories as defined by the invention and elaborated upon in our Allegoric argument, since Eves focuses on promoting realism in its characters. Second, it is not a non-statistical method as explained by our Scientific/Statistical argument, since Eves' uses data stores and the manipulation of attributes. Third, Eves does not incorporate the use of questions, answers and comments by user and instructor; and does not incorporate a conceptual learning methodology. Thus, it's difficult to infer a non-statistical, allegoric application for this art.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BROUSE MCDOWELL

May 14, 2007
Date

Daniel A. Thomson
Reg. No. 43, 189
Customer No. 26871

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